DOCUMENT RESUME

ED 434 235 CE 079 231

TITLE	An Employer Guide on Insurance-Liability Issues and Child Labor Laws. New Jersey School to Careers: Work-Based Learning Activities.
INSTITUTION	New Jersey State Dept. of Labor, Trenton.
REPORT NO	NJES-11
PUB DATE	1998-08-31
NOTE	46p.
AVAILABLE FROM	Division of Business Services, New Jersey Department of Labor, Box 933, Trenton, NJ 08625. Tel: 609-984-9414.
PUB TYPE	Guides - Non-Classroom (055)
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	Career Awareness; *Career Development; Career Education; Career Exploration; *Child Labor; Education Work Relationship; Educational Administration; Employer Employee Relationship; Experiential Learning; *Labor Legislation; Learning Experience; *Legal Responsibility; Occupational Safety and Health; Ownership; Partnerships in Education; *School Business Relationship; Secondary Education; State Programs; Student Employment; Vocational Education; Work Environment; *Work Experience Programs
IDENTIFIERS	*New Jersey

ABSTRACT

This guide provides employers with information on insurance coverage, child labor laws, and recommended steps for reducing potential liabilities that may occur by having students at the employer's site. The guide first covers employer liability issues and school Certificates of Insurance. The next part is organized to address employer concerns associated with the School-to-Careers initiative under the following three broad categories of structured work-based learning activities taking place at a work site: (1) school-sponsored career awareness/exploration activities in which students are not paid by the employer; (2) school-sponsored nonpaid career development types of structured-learning experiences; and (3) school-sponsored career development types of structured learning experiences in which students are paid by the employer while learning skills on the job. Under each of these categories are recommended steps for reducing employer liabilities. The final section includes information on the following other employment-related topics: (1) employment discrimination; (2) employment eligibility verification; (3) income tax; (4) health and accident insurance; (5) minimum wage; (6) occupational safety and health; (7) records requirements; (8) sexual harassment; (9) transportation; (10) unemployment insurance (11) violations of child labor laws; and (12) workers' compensation. Appendixes include a synopsis of child labor laws, statement of principle, student health and safety guide, Workers' Compensation Law, and a sample certificate of insurance. (YLB)

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ED 434 235

NEW JERSEY

SCHOOL TO Careers

WORK-BASED LEARNING ACTIVITIES

AN EMPLOYER GUIDE
ON
INSURANCE - LIABILITY ISSUES
AND
CHILD LABOR LAWS

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August 31, 1998

NEW JERSEY DEPARTMENT OF LABOR

Christine Todd Whitman, Governor

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MESSAGE FROM THE COMMISSIONER

New Jersey's School-to-Careers opportunities initiative involves year-round employer participation, combined school-based and work-based learning, and linkages to advanced education to facilitate a smooth transition from school to a career. This initiative provides students with both academic and occupational training, enabling them to develop the necessary technical skills to compete for high-skill jobs.

New Jersey's employers benefit by:

- participating in the development of an expanded pool of qualified workers;
- evaluating potential employees in work settings;
- reducing turnover of entry-level employees by familiarizing potential full-time workers with the business or industry;
- influencing curriculum development to meet industry requirements and standards;
- reducing new employee training costs; and
- improving the quality of life and work skills in the community.

Mel Gelade

Mel Gelade, Commissioner

ACKNOWLEDGMENTS

The development of an Employer Guide on Insurance - Liabilities Issues and Child Labor Laws was a recommendation of the Child Labor Law/Liability Issues Review Panel. The Panel's intent for the guide is to provide employers with a user-friendly, step-by-step process for protecting themselves from liabilities while participating in School-to-Career activities.

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AN EMPLOYER GUIDE
ON
INSURANCE - LIABILITY ISSUES
AND
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AN EMPLOYER GUIDE

OVERVIEW

New Jersey's School-to-Careers (STC) Opportunities Initiative is a major state undertaking to improve the way youth are prepared for the world of work. The intent of the initiative is to create partnerships between schools and employers that result in high-skill, high-wage employment opportunities for students over the course of their careers. A fundamental component of the School-to-Careers initiative is the provision that all high school students are to be provided with structured work-based learning experiences at employer locations. This requirement for an extension of the classroom into the workplace means that students, schools and employers are brought together in rather unique and unfamiliar roles.

To assist employers in understanding their role and informing them about any potential liabilities by allowing students on the work site, the New Jersey Departments of Labor and Education have issued the Employer Guide on Insurance - Liabilities Issues and Child Labor Laws (Employer Guide).

The Employer Guide provides information on insurance coverage, child labor laws and recommended steps for reducing potential liabilities which may occur by having students at the employer's site. The guide is also designed to promote the safety of students participating in the program. While it is impossible to indemnify employers totally from any possibility of liability when they provide structured work-based learning opportunities for students under a school-sponsored program, by taking the recommended steps and following the advised actions outlined in this guide employers can lessen their exposure to liability and more comfortably participate in school-to-career activities. **Employers will find that many of the measures are already in place for their employees!**

In this context, a school-sponsored, structured work-based learning activity is one in which a student visits an employer site and/or participates in some activity at an employer site, either of which is arranged through the school and is fulfilling an educational goal.

The Employer Guide is organized to address employer concerns associated with the School-to-Careers initiative under three broad categories of structured work-based learning activities taking place at a work site:

- School-sponsored, **career awareness/exploration activities** in which students are **not paid** by the employer. These activities can include, but are not limited to, experiences of short duration such as interviewing workers, job shadowing, and work-site visits to observe commercial or public work processes;

- School-sponsored, **nonpaid, career-development** types of structured-learning experiences such as nonpaid internships, volunteerism or service learning that take place at work sites and provide longer and more intensive exposure and training opportunities for students; and,

- School-sponsored, **career-development** types of structured learning experiences in which students are **paid** by the employer, while learning skills on the job. These structured learning activities constitute the traditional employer/employee relationship in which a student is compensated for services rendered.

Included under each of the categories of work-based learning activities are recommended steps for reducing employer liabilities.

In addition, this guide includes information on employer liability, school

certificates of insurance and other employment-related topics of importance to employers having students at the work site in school-sponsored, work-based learning activities. The Appendices include: integrated information on federal and state child labor laws; a student health and safety guide; a model work-based learning agreement; and a sample Certificate of Insurance.

Highlights from the Employer Guide

In providing work-based learning opportunities for students, employers should follow these general guides:

*Make sure each **employed (paid)** student under 18 years of age has an employment certificate and is covered under the company's workers' compensation plan. Please note - Students participating in job shadowing or other nonpaid work based learning activities at the work place do not require an employment certificate.*

*Compensate students in **paid** work-based learning activities at least the federal or state minimum wage.*

*Insure that students in **nonpaid** work-based learning activities are either School-to-Careers students or volunteers involved in community service activity.*

Do not replace or dislocate a regular employee with a nonpaid student.

Do not allow students under 18 years of age to work in hazardous or restricted occupations as listed under the Fair Labor Standards Act and the New Jersey Child Labor Laws and Regulations.

Enter into a work-based learning experience agreement with the school so that the respective roles of the school, student, parent and employer are clearly understood during the School-to-Career activity.

Provide a healthy and safe work environment for the students.

Request that schools provide a Certificate of Insurance indicating liability coverage for paid and nonpaid students at the work place.

Alert your own insurance carrier that the company is participating in the School-to-Careers initiative.

Do not discriminate on the basis of race, religion, color, ethnicity, national origin, gender, age or disability.

EMPLOYER LIABILITY ISSUES

Injuries Suffered by Students

The issue of potential liability arises whenever any business entity has individuals, whether workers, visitors, customers or students, on its work site. In the context of the School-to-Careers initiative, the type of liability will depend on whether the School-to-Careers student is an employee (paid for services) or a visitor (not paid for activities). The employer's exposure to liability is similar to that which already exists relative to its employees and the general public.

A School-to-Careers student who is considered an employee and whose injury arises out of and in the course of his or her job duties is subject to the remedies provided under the workers' compensation benefit delivery system.

If a student is not an employee of the business, and he/she is injured on the work site, a lawsuit may be filed by the student. This civil remedy exists for any non-employee, not just for School-to-Career students.

Injuries or Damages Caused by Students

In the case of students participating in school-sponsored, career development activities, employers need to be judicious about what work duties are assigned to students, the training given, and the level of supervision provided. Businesses that sponsor students in either paid or nonpaid work-based learning activities may be liable for damages or injuries caused by students if the student was:

- Acting on behalf of the business;

- Acting with the actual or apparent authorization of the business;
- Negligent; and,
- The act resulted in: injury to customers, passersby, visitors or the general public; or damage to the property of customers, passersby or the general public.

Note that these criteria apply to all employees as well. Employers should, therefore, be cognizant of the training and experience of the students and limit their responsibilities in carrying out the business of the employer.

If a student directly or indirectly causes injury to an employee in the work place, that injury would typically be covered under workers' compensation.

SCHOOL CERTIFICATES OF INSURANCE

Students involved in any school-sponsored, structured learning activities, including School-to-Careers activities, should be covered by their school district's general liability insurance policy. *Liability insurance covers accidental losses resulting from bodily injury or damage to the property of someone else, known as the claimant, for which the insured is legally responsible (legally liable).* Employers, who participate in a school-sponsored, school-to-career activity by providing opportunities for work-based learning experiences, become an extension of the school's program, except when the student is acting on the behalf of the employer as described in the previous section. Consequently, students at an employer's site need to be covered under the school district's liability insurance policy.

In those situations where students are participating in either **paid** or **nonpaid** school-sponsored, work-based learning activities, it is recommended that an employer request and

maintain on file a copy of a Certificate of Insurance from the sponsoring school. To insure protection to the participating employer, the Certificate of Insurance should include an endorsement for School-to-Careers or other work-based activities at employer sites. Employers should request that the Certificate of Insurance name the employer as an additional insured under the school district's policy. (A sample Certificate of Insurance is included in the Appendices.)

Certificates of Insurance are issued by the school's private insurance carrier. In those cases where a school district participates in a joint self-insurance fund established by a school board insurance group, documentation from the school attesting that work-based learning activities are covered should be secured and maintained in the employer's file.

Similarly, school staff who accompany students to a work-based learning site or participate in activities with the student would be covered under the sponsoring school district's general liability insurance and workers' compensation policies. To protect both the school district and employer, certificates of workers' compensation coverage should be exchanged.

The Certificate of Insurance should be accepted by employers as the primary documentation of the school district's liability insurance coverage for the student and school staff, and that the work-based learning activity is part of the school-sponsored program.

CAREER AWARENESS/EXPLORATION ACTIVITIES
(Nonpaid Activities)

Career awareness/exploration activities can include, but are not limited to, such activities as students at any grade level interviewing workers, job shadowing, and on-site industry visits to observe workers, technology and work processes. The activities are of short duration and provide students with first-hand information about industries and careers. The information will be used by students to form career goals which they will pursue as they progress through the educational process.

Career exploration activities a d the following recommended steps are applicable for any student age group.

To limit potential liabilities, employers are advised to comply with the following steps for this type of work-based learning activity:

Step 1 — Discuss and agree with school officials on the types of structured learning in which students will participate. Work with the school to develop a memorandum of understanding and/or simplified work-based learning experience agreement listing the purpose of the structured learning activities and the respective roles of the school and employer. (A sample work-based learning experience agreement is included in the Appendices.)

Parental written permission should be a part of these activities.

Step 2 — At companies or facilities where machinery, chemicals or hazardous substances may be used in the work processes to be observed by students, adequate safeguards, agreed to by school officials and the employer, should be in place to protect the students. These safeguards should be listed in the memorandum of understanding and/or simplified

work-based learning experience agreement mentioned in Step 1.

For example, many factories mark off or visibly designate restricted areas which may be unsafe to visitors. Having visiting students adhere to such restrictions would still allow them to observe the hazardous operations from a safe distance. In those situations where visitors are required to wear protective clothing or equipment such as hard hats, safety glasses or ear plugs, students should also be furnished with the protective gear by the employer and be required to wear those items.

Step 3

Alert your general liability insurance carrier regarding your School-to-Careers participation and the nature of the agreed-to employer-based learning activities. (All employers participating in these kinds of activities are strongly advised to carry general liability insurance.)

Step 4

Request from the school a current Certificate of Insurance for liability coverage with a School-to-Careers endorsement.

NONPAID AND PAID CAREER DEVELOPMENT ACTIVITIES

A. Nonpaid Career Development Activities

Nonpaid structured career development activities at the 11th and 12th grade levels enable students, through an educational program jointly supervised by the employer and school, to spend a period of time in a business, industry, government agency or civic/volunteer organization to gain insight and direct, job-related experience in a career field or industry. Students remain at the workplace for a specified period agreed to by the school and employer. Work-based learning activities may include participation in special projects, a sampling of tasks from different jobs, or focused tasks from a single occupation.

New Jersey allows students to work in nonpaid situations:

- under the School-to-Careers initiative at profit and not-for-profit organizations; and/or
- as volunteers donating their services.

To limit potential liabilities, employers are advised to comply with the following steps for this type of work-based learning activity:

Step 1 Employers in profit and not-for-profit organizations must be aware that there are a number of conditions listed under the New Jersey Wage and Hour Regulations (12:56-18.2) and the Fair Labor Standards Handbook (¶219) which must be met before a student in a School-to-Career activity can participate in a nonpaid work situation. These conditions are:

1. The student is at least 16 years of age;
2. The activity is related to the student's School-to-Careers career plan;
3. There is collaboration and planning between the work place staff and school staff resulting in clearly identified learning objectives that are listed in the work-based learning experience agreement;
4. Any productive work is (a) incidental to achieving the learning objectives and (b) offset by the burden to the employer from the training and supervision provided;

5. An assessment by a school official is received for the structured work-based learning activities;
6. The student is supervised by a school official and a work place mentor;
7. The activity is of a limited duration specified and agreed to by the school and employer (except for students with disabilities served under the Individuals with Disabilities Act for whom there are prescribed time limitations - see *Statement of Principle* developed by the US Departments of Education and Labor in the Appendices) and there is no guarantee or expectation that the activity will result in employment; and
8. The student does not replace or displace a regular employee.

Or

Students may also work in nonpaid situations as volunteers. "Volunteer" means a person who donates his or her service for the protection of the health and safety of the general public. Such a person would include, among others, a volunteer fireman, rescue worker, an aide in the care of the sick, aged, young, mentally ill, destitute and the like or assistant in religious, eleemosynary (charitable), educational, hospital, cultural and similar activities (N.J.A.C. 12:56-2.1). Student participation in a nonpaid community service project may be included under this category. See Community Service Projects in the Appendices for additional information on this activity.

Step 2

Enter into work-based learning experience agreement with the student, parent and school. This agreement will outline responsibilities of school officials, student, parent, and employer. Maintaining a safe and healthy work environment must be a part of this agreement. (See Appendices for school and employer responsibilities in the area of student health and safety.) Request that the school include a section in the agreement certifying that the eight conditions for nonpaid activities (see Step 1) have been met.

Step 3

Include the type of work performed and the hours and days worked in the work-based learning experience agreement. Since nonpaid internships for students under 18 years of age are not exempt from child labor law protections, the work-based learning experience agreement

will document that the work-based learning activity meets hours worked restrictions and does not involve a prohibited hazardous occupation as specified under the child labor laws and regulations. (A synopsis of child labor laws and regulations is included in the Appendices.)

Step 4 — Alert your general liability insurance carrier to your School-to-Careers participation and the nature of the student's work-based learning activities. (All employers participating in these kinds of activities are strongly advised to carry general liability insurance.) An endorsement to the general liability policy covering volunteers may be needed.

Step 5 — Request documentation from the school that relevant occupational safety and health instruction was provided by the school. As appropriate, maintain documentation that the employer provided additional risk training related to the work place. (A list of the elements of safety and health training is included in the Appendices.)

Step 6 — Request a Certificate of Insurance for general liability coverage with a School-to-Careers endorsement from the school.

B. Paid Career Development Activities

Internships, Cooperative Education Program Positions or Other Paid Employment

Paid employment activities under this section enable students, through an educational program jointly supervised by the employer and school, to spend a period of time in a business, industry, government agency or civic/volunteer organization to gain insight and direct work experience in a career field or industry.

Through paid internships, students remain at the workplace for a specified period agreed to by the school and employer. Work-based learning activities may include special projects, a sampling of focused tasks from different jobs, or tasks from a single occupation. The cooperative education program is a structured method of instruction whereby students alternate or coordinate their high school studies with a job in a field related to their career objectives. Other paid employment may include jobs which the students found on their own but meet their educational goals and become incorporated into their educational and career plans.

Paid work-based learning activities differ from regular youth employment in a number of ways:

- the activity is jointly agreed to by the employer and school;
- there is a signed work-based learning experience agreement;
- the work provides an opportunity for students to apply and practice what they have learned in the classroom;
- the development of workplace readiness and occupational skills are documented for each student; and
- students are fulfilling high school graduation requirements through their activities at the workplace.

Prohibited Occupations

A small number of occupations, considered too dangerous for youth employment, are prohibited for youth under 18 years of age by federal and state child labor laws and regulations. A list of prohibited occupations is provided in the Appendices along with a synopsis of federal and state child labor laws. However, a number of these prohibited occupations are allowed under the Cooperative Education Program or Registered Apprenticeship Program. Machine trades, auto mechanics, baking, boat building, and welding are examples of occupations in which students under 18 years of age work through the Cooperative Education Program while under the close supervision of the employer and school and with appropriate training. School officials will assist you in identifying these occupations and providing the appropriate health and safety protections.

To limit potential liabilities, employers are advised to comply with the following steps for this type of work-based learning activity:

Step 1 — Enter into a work-based learning experience agreement with the student and school. This agreement will outline responsibilities of school officials, student, parent and employer.

Maintaining a safe and healthy work environment must be a part of this agreement.

Step 2 — For students under 18 years of age, obtain and maintain on file an employment certificate, commonly referred to as working papers, from each participating student's school district. The employment certificate will document that the work-based learning activity meets hours

worked restrictions and does not involve a prohibited hazardous occupation, as specified under the child labor laws and regulations. (See Appendices)

Step 3 — Request documentation from the school that appropriate occupational safety and health instruction was provided by the school. (A list of the elements of this training is included in the Appendices.)

Step 4 — Alert your general liability and workers' compensation insurance carriers regarding your School-to-Careers participation and the nature of the work-based learning activities.

All employers participating in paid work-based learning activities must provide workers' compensation coverage for the participating students; general liability insurance coverage is optional for the employer but is strongly recommended.

Step 5 — Request from the school, a current Certificate of Insurance for liability coverage with a School-to-Careers endorsement.

OTHER EMPLOYMENT- RELATED TOPICS

☐ Employment Discrimination

Equal employment opportunity laws prohibit employers from making hiring decisions based on religion, political affiliation, ancestry, national origin, birthplace, naturalization status of family members, age, sex or disability. These laws include the Civil Rights Act of 1994, the Rehabilitation Act of 1993, the Americans with Disabilities Act of 1990, Executive Order 11246 and the New Jersey Law Against Discrimination. Employers must adhere to these laws in hiring students for paid school-sponsored, work-based learning activities.

Employers are also advised to follow these laws in selecting students to participate in extended nonpaid work-based activities, such as nonpaid internships.

Additional information on this subject can be obtained by contacting the Equal Employment Opportunity Commission at (973) 645-6383.

☐ Empioyment Eligibility Verification

Under the federal Immigration and Nationality Act, the US Department of Justice, Immigration and Naturalization Service requires employers to complete and submit Form I-9, Employment Eligibility Verification, for all hires. Employers must complete and submit a Form I-9 for students in paid school-sponsored, work-based learning opportunities.

Since federal regulations [M-274 (Rev. 11/2/91)N] regarding completing Form I-9 apply only to individuals who perform services in return for wages or other reimbursement, employers are advised not to complete the form for students in nonpaid school-sponsored, work-based learning opportunities.

☐ Income Tax (Federal and State)

Students in paid school-sponsored, work-based learning activities are not exempt from state and federal income taxes. Employers must withhold income taxes from the students' pay. It is expected that students will be able to recoup their tax withholdings when they or their families file their state and federal tax returns.

☐ Health and Accident Insurance

Since workers' compensation insurance coverage does not apply to students in nonpaid school-sponsored, work-based learning activities, it is important to have a plan for assisting a student who gets hurt or sick due to his or her presence at the workplace. Employers are advised to maintain a file for each participating student with information on whom to call in case of student injury or illness. It is recommended that student emergency information be attached to the work-based learning experience agreement.

Students should be covered for medical treatment through a number of alternative methods: their family's health and accident insurance policy; a policy purchased by the school to cover all students participating in work-based learning activities; individual policies purchased from private insurance carriers who work with the schools; or through Medicaid. Schools should assist students and their parents or guardian in clarifying what type of health and accident insurance applies to them.

Employers should request from the school verification that some form of health/accident insurance covers the youth. This information should be included in the student's file so that it is readily available in case of injury or illness.

☐ Minimum Wage

Students in paid school-sponsored, work-based learning activities should be paid at least the New Jersey state minimum wage of $5.05 per hour unless the employer falls under the jurisdiction of US Department of Labor's federal wage and hour regulations, in which case the required minimum hourly pay rate is $5.15.

Employers are advised to call the US Department of Labor at (201) 645-2279 or (609) 989-2247 to determine if they must pay the federal minimum wage of $5.15 per hour rate, which went into effect on September 1, 1997. Employers are subject to federal minimum wage regulations under the Fair Labor Standards Act if they have employees engaged in interstate commerce, producing goods for interstate commerce or handling, selling, or otherwise working on goods or materials that have been moved in or produced for interstate commerce. In addition, enterprises are under federal jurisdiction if their annual gross volume of sales made or business done is not less than $500,000 (exclusive of excise taxes at the retail level which are separately stated).

The federal "training wage" under the Fair Labor Standards Act does not apply in New Jersey since there are no provisions in state law for reductions to the state minimum wage.

☐ **Occupational Safety and Health**

The federal Occupational Safety and Health Act of 1970 and the New Jersey Public Employee Occupational Safety and Health Act of 1985 provides job safety and health protection for workers by promoting safe and healthful work conditions. Employers must provide safety and health protections to all employees, including students in paid school-sponsored, work-based learning activities.

Employers are also advised to apply this protection to students participating in extended nonpaid work-based learning activities such as nonpaid internships. (See the Appendices for additional safety and health training information.)

☐ **Records Requirements**

Employers must maintain records [NJ Department of Labor Abstract MW-129 (R-3-96)] for all employed minors under the age of 18. Information on minors must include name, address, date of birth, hours of beginning and ending daily work periods and meal periods, number of hours worked each day, and wages paid to each minor.

The minor's employment certificate should be included in the file.

Employers are also advised to adhere to this records maintenance requirement for students participating in nonpaid work-based learning activities such as nonpaid internships.

☐ **Sexual Harassment**

The New Jersey Law Against Discrimination and the federal Civil Rights Act of 1964, as amended, prohibit sexual harassment, either *quid pro quo* (i.e., unwelcome sexual conduct which becomes an explicit or implicit condition of employment) or which creates a hostile, intimidating or offensive environment in the workplace. Employers must provide protection against sexual harassment to all employees, including students in paid school-sponsored, work-based learning opportunities.

Employers are also advised to apply this protection to students participating in extended nonpaid work-based learning activities such as nonpaid internships.

Additional information on this subject can be obtained by contacting the New Jersey Division on Civil Rights at (973) 648-2700. Refer to your local telephone directory's "blue pages" for the Division's other office numbers.

☐ **Transportation**

Students participating in either paid or nonpaid, school-sponsored, work-based learning activities may need transportation to get to the work site. Students may utilize the following available methods of transportation to get to the work site: public transportation; their own automobile; transportation provided by their parents; or a transportation mode approved by the local school board. Schools should assist students with transportation arrangements.

Employers are advised not to transport participating School-to-Career students to and from the workplace, unless this type of transportation service is provided for employees and the employer notifies the insurance carrier that students will be utilizing this mode of transportation.

☐ **Unemployment Insurance**

Students in paid school-sponsored, work-based learning activities are not covered by unemployment insurance as provided under New Jersey Unemployment Compensation Law (Section 43: 21-19(I)7(u)). The school should certify to the employer that the placement is an integral part of the student's educational program. Such certification can be part of the work-based learning experience agreement.

The employer should not report the student wages, and those wages can not be used by the student to qualify for unemployment compensation or New Jersey temporary disability benefits. This exemption does not apply if the school program was set up to benefit an employer or group of employers.

☐ **Violations of Child Labor Laws**

The best way to guard against violations of child labor laws and any subsequent associated penalties, or to avoid penalties if a student is injured on the job, is for the employer to secure and maintain on file employment certificates for any employed student under 18 years of age. Employment certificates, commonly referred to as working papers, are secured from the issuing officer of the school district where a minor resides.

The employment certificate will include such information as: identification of student; age of student; hours of work; parent's signature authorizing the employment of the student; and employer's name and address, and occupation in which employment is being certified. (A synopsis of federal and state child labor laws is included in the Appendices.)

Additional information about state child labor laws can be obtained by contacting the New Jersey Office of Wage and Hour Compliance at (609) 984-7356. Information regarding

federal child labor laws can be obtained by contacting the Employment Standards Administration, Wage-Hour Administration at (609) 989-2247.

☐ Workers' Compensation

Workers' compensation is a system which provides benefits to workers who are injured or who contract an occupational disease while working. Virtually every worker who performs **services for wages** is covered by the Workers' Compensation Law of New Jersey. In cases in which an employee is disabled as a result of his/her work and the employer is uninsured, the Workers' Compensation Law provides that such employer is liable for administrative penalty, assessment and/or judgment (NJSA 34:15-120 et al.). Employers must provide workers' compensation coverage for students in school-sponsored, work-based learning activities.

Section 34:15-10 of the Workers' Compensation Law (see Appendices) provides that, in nearly all cases, if a minor is employed in violation of the federal or state child labor laws, and suffers a job-related disability, compensation and/or death benefits will be double the schedule amount payable under workers' compensation. Additionally, the employer cannot indemnify itself from having to pay the extra compensation/death benefit from the organization's own financial resources.

The employer protects itself from the so-called "double penalty" provision by maintaining on file for each employee under the age of 18 an employment certificate (working papers) from the appropriate issuing authority (usually the school district office for the area in which the student resides). Another exemption to the double penalty provision is for a student who is employed under an approved cooperative education program. In such cases, the student is part of a structured, supervised, work-based education experience (which involves the appropriate issuance of an employment certificate) and, consequently, is not considered to be employed by the employer in violation of a child labor law as long as the work performed is the work specified in the employment certificate.

A minor employee under the age of 18 -- whether or not the student is a part of a school-sponsored, work-based learning activity -- always retains the right to recover damages for any illness or injury arising out of or in the course of employment either under the New Jersey Workers' Compensation Law or by bringing a negligence suit against the employer in a common law proceeding. This has been a long-standing provision of New Jersey law, and is not unique to the School-to-Careers initiative.

APPENDICES

A. SYNOPSIS OF CHILD LABOR LAWS

(Information from Work-Based Learning Handbook -NJ Department of Education)

The employment of minors in the United States is regulated by the child labor provisions and regulations of the *Federal Fair Labor Standards Act* (FLSA) and the various child labor provisions of the laws, administrative codes, rules and regulations of each state. Federal and state child labor provisions address:

1. minimum ages for general and specific types of employment;
2. prohibition of work during night hours (Night Work Restrictions);
3. prohibition of certain kinds of employment (Hazardous Orders);
4. registration of minors in employment (Employment or Work Certificates);
5. maximum daily and weekly hours of work permitted.

At certain times, exceptions and special considerations apply. The most common exceptions are made for youth in a learning situation (student learners, apprentices, work experience students, etc.), family members working in a family-operated establishment and youth certified as not benefiting from further schooling. When there is a difference between the federal and state laws, the more restrictive provision applies.

Federal Child Labor Laws

Employers are subject to the *Fair Labor Standards Act (FLSA) Child Labor Laws* if they have employees engaged in interstate commerce, producing goods for interstate commerce or handling, selling or otherwise working on goods or materials that have been moved in or produced for interstate commerce. The FLSA covers enterprises whose annual gross volume of sales made or business done is not less than $500,000 (exclusive of excise taxes at the retail level that are separately stated). The Act also covers enterprises engaged in the operation of a hospital; an institution providing resident care of the disabled or aged; a school for children who are mentally or physically disabled or gifted; a preschool; an elementary or secondary school; an institution of higher education; or an activity of a public agency. Most employers, including nonprofit organizations, come under federal or state child labor laws.

Employers of domestic service workers, such as day workers, housekeepers, chauffeurs, cooks or full-time babysitters, are covered if the workers receive at least $50 in cash wages in a calendar quarter from their employers or work a total of more than eight hours a week for one or more employers.

Child labor provisions **do not** apply to children who are:

a) under 16 years of age and employed by their parents in occupations other than

manufacturing, mining or occupations declared hazardous by order of the U.S. Secretary of Labor;

b) employed as actors or performers in motion picture, theatrical, radio or television productions;

c) engaged in the delivery of newspapers; and

d) home workers engaged in the making of wreaths composed principally of natural holly, pine, cedar or other evergreens.

AGE RESTRICTIONS

Under Age 14

Most work is prohibited for children under the age of 14. However, youths may work at any age as actors or performers in motion picture, theater, radio and television productions following prescribed guidelines. Children may also work for their parents, if the parents are the sole owners of a business in occupations other than manufacturing, mining or hospital services. Children may also sell and deliver newspapers to customers and may do work not covered by the FLSA.

Ages 14 and 15

In New Jersey, employment certificates (working papers) are required to age 18.

Youth may work in specified occupations according to the following guidelines:

- outside school hours;
- between 7:00 a.m. and 7:00 p.m. (9:00 p.m between June 1 and Labor Day);
- no more than 3 hours on a school day (same in New Jersey law);
- no more than 18 hours in a school week (same in New Jersey law);
- no more than 8 hours on a nonschool day;
- no more than 40 hours in a nonschool week (same in New Jersey laws);
- no more than 6 consecutive days (in New Jersey law);
- may not work before 7:00 a.m. or after 7:00 p.m. on school days and after 9:00 p.m during summer vacation without parental permission.

Ages 16 and 17

At age 16, youth may be employed with an employment certificate in any occupation other than a nonagricultural occupation declared hazardous by the U.S. Secretary of Labor.

- New Jersey requires that youths work no more than 8 hours per day, no more than 40 hours per week and no more than 6 consecutive days.
- New Jersey requires that youths not work from 11:00 p.m. to 6:00 a.m. during school (specific variations may apply).

Ages 18 and Over

Youth may work in any occupation for any number of hours.

JOBS MINORS ARE PERMITTED TO DO

During nonschool hours, 14 and 15 year-olds **can** work with an employment certificate in offices and retail stores. Tasks they may perform include the following:

- clerical and office work, including the use of most office machines;
- cashier tasks, selling, modeling, artwork, work in an advertising department, window trimming and comparative shopping;
- price marking and tagging by hand or by machine, assembling orders, packing and shelving;
- bagging and carrying out customers' orders;
- errand and delivery work by foot, bicycle and public transportation;
- cleanup work, including the use of vacuum cleaners and floor waxers, and ground maintenance, not including the use of power-driven mowers or cutters;
- kitchen work and other work involved in preparing and serving food and beverages, including the operation of domestic model appliances used in the performance of such work (e.g., dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders and coffee grinders);
- cleaning vegetables and fruits, wrapping, sealing, labeling, weighing, pricing and stocking goods when performed in areas physically separate from areas where meat is prepared for sale and outside of freezers or meat coolers.

Work in connection with cars and trucks is confined to the following:

- dispensing gasoline and oil;
- providing courtesy service on the premises of a gasoline service station;
- cleaning, washing and polishing cars.

The work performed on cars and trucks must not involve the use of pits, racks or lifting apparatus or the inflation of any tire mounted on a rim equipped with a removable retaining ring.

JOBS MINORS ARE NOT PERMITTED TO DO

14 and 15 year-olds **cannot** work in

- any manufacturing or mining occupation;
- processing occupations such as filleting fish, dressing poultry, cracking nuts or laundering as performed by commercial laundries and dry cleaners;
- occupations requiring the performance of any duties in workrooms or workplaces where goods are manufactured, mined or otherwise processed;
- public messenger service;
- the operation or tending of hoisting apparatus or any power-driven machinery;
- occupations found and declared to be hazardous;
- occupations connected to the following: transportation of persons or property by rail, highway, air, water, pipeline or other means; warehousing and storage; communications and public utilities; and construction.

14 and 15 year-olds **cannot** work in any of the following areas or capacities in a retail, food service or gasoline service establishment:

- work in or about boiler or engine rooms;
- maintenance or repair of machines and equipment;
- outside window washing that involves working from window sills and any work requiring the use of ladders, scaffolds or their substitutes;
- cooking (except at soda fountains, lunch counters, snack bars or cafeteria serving counters) and baking;
- occupations that involve operating, setting up, adjusting, cleaning, oiling or repairing power-driven food slicers and grinders, food choppers and cutters and bakery-type mixers;
- work in freezers and meat coolers and in the preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing and stocking when performed in other areas);
- loading and unloading goods to and from trucks, railroad cars and conveyors;
- work in warehouses, except office and clerical work.

HAZARDOUS OCCUPATIONS

The **FLSA** stipulates that youths under the age of 18 may **not** work in occupations involving the following tasks, equipment or conditions, even if the business is owned by the parent or guardian:

1- manufacturing and storing explosives;
2- motor-vehicle driving and outside helper;
3- coal mining;
4- logging and saw milling;
5-** operating power-driven woodworking machines;

6- exposure to radioactive substances;
7- operating power-driven hoisting apparatus;
8-** operating power-driven metal-forming, punching and shearing machines;
9- mining, other than coal mining;
10-** slaughtering, or meat-packing, processing or rendering;
11- operating power-driven bakery machines;
12-** operating power-driven paper products machines;
13- manufacturing brick, tile and kindred products;
14-** operating power-driven circular saws, band saws and guillotine shears;
15- wrecking, demolition and shipbreaking operations;
16-** roofing operations;
17-** excavation operations.

Exception to above:

16 and 17 year-olds may be able to work in hazardous occupations marked with asterisks (**) under the special conditions of the Cooperative Education Program or the Registered Apprenticeship Program. Employers should consult with school officials about this exemption to the child labor laws and regulations. Even under these special conditions, it is recommended that the written training agreement specify that the youth's exposure to hazardous situations be intermittent and for short periods of time and under the close supervision of a competent person. (US Department of Labor Advisory Letter - March 6, 1995)

New Jersey Child Labor Laws

New Jersey Child Labor Law (NJSA 34:2-21.17) , Regulation (NJAC 12:58-4.1) and Reference Guide MW 165 (11-93) issued by the New Jersey Department of Labor (DOL) further details occupational restrictions for minors. The associated DOL Abstract (MW-129) informs that:

> **NOTHING IN THIS LIST APPLIES TO WORK DONE BY PUPILS IN PUBLIC OR PRIVATE SCHOOLS UNDER SUPERVISION AND INSTRUCTION OF OFFICERS OR TEACHERS AND EMPLOYED AS STUDENT LEARNERS UNDER THE COOPERATIVE EDUCATION PROGRAM OR REGISTERED BY THE BUREAU OF APPRENTICESHIP & TRAINING OR TO A MINOR WHO IS AT LEAST 17 YEARS OF AGE EMPLOYED IN THE TYPE OF WORK IN WHICH THE MINOR MAJORED UNDER THE CONDITIONS OF THE SPECIAL VOCATIONAL SCHOOL GRADUATE PERMIT. THE DEPARTMENTS OF EDUCATION AND LABOR, HOWEVER, DO LIMIT THE PROHIBITED OCCUPATIONS WHICH MINORS IN THESE PROGRAMS MAY PERFORM. EMPLOYERS ARE ADVISED TO CHECK WITH THE LOCAL HIGH SCHOOL COOPERATIVE EDUCATION PROGRAM COORDINATOR TO DETERMINE WHAT JOBS MINORS CAN PERFORM WITH**

APPROPRIATE TRAINING UNDER THE COOPERATIVE EDUCATION PROGRAM EXCEPTION.

No minor under 16 years of age shall be employed or permitted to work in, about, or in connection with power-driven machinery:

- Power-driven machinery includes, but is not limited to the following:

  Conveyors and related equipment,

  Power lawn mowers,

  Power woodworking and metal working tools.

- Power-driven machinery shall not include:

  Cash register conveyor belt in a supermarket or retail establishment for minors at least 15 years of age working as cashiers or baggers,

  Standard office type machines,

  Standard domestic type machines or appliances when used in domestic or business establishments,

  Agricultural machines when used on farms such as standard type poultry feeders, egg washers, egg coolers, and milking machines,

  An attended or unattended standard type passenger elevator.

No minor under 18 YEARS of age shall be employed or permitted to work in, about, or in connection with the following:

The manufacture or packing of paints, colors, white lead, or red lead;

The handling of dangerous or poisonous acids or dyes; injurious quantities of toxic or noxious dust, gases, vapors or fumes;

Work involving exposure to benzol or any benzol compound which is volatile or which can penetrate the skin;

The manufacture, transportation or use of explosives or highly inflammable substances;

The wording "the manufacture, transportation or use of explosives or highly inflammable substances" as used in the prohibited occupations section of the Child Labor Act **does not** include the filling of the gasoline tanks of gasoline motor driven vehicles by use of a hose which is a part of the type of automatic or manual-powered pumping equipment commonly used for that purpose in gasoline service stations. This interpretation does not in any way affect any prohibition contained in the Child Labor Law concerning power-driven or hazardous machinery or hazardous occupations.

Oiling, wiping, or cleaning machinery in motion or assisting therein;

Operation or helping in the operation of power-driven woodworking machinery, provided that apprentices operating under conditions of a bona fide apprenticeship may operate such machines under competent instruction and supervision;

Grinding, abrasive, polishing or buffing machines, provided that apprentices operating under conditions of a bona fide apprenticeship may grind their own tools;

Punch presses or stamping machines if the clearance between the ram and the die or the stripper exceeds one-fourth inch;

Cutting machines having a guillotine action;

Corrugating, crimping or embossing machines;

Paper lace machines;

Dough breaking or mixing machines in bakeries or cracker machinery;

Calendar rolls or mixing rolls in rubber manufacturing;

Centrifugal extractors or mangles in laundries or dry cleaning establishments;

Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or any other place in which the heating, melting or heat treatment of metals is carried on;

Mines or quarries;

Steam boilers carrying a pressure in excess of fifteen pounds;

Construction work;

> Construction work shall mean the erection, alteration, repair, renovation, demolition or removal of any building or structure; the excavation, filling and grading of sites; the excavation, repair or paving of roads and highways; and any function performed within 30 feet of the above operations. Construction work shall not mean the repair or painting of fences, buildings and structures not exceeding twelve feet in height.

Fabrication or assembly of ships;

Operation or repair of elevators or other hoisting apparatus;

Any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, or sold for consumption on the premises (except, minors at least 16 years of age may be employed as pinsetters, lane attendants, or busboys in public bowling alleys, and in restaurants or in the executive offices, maintenance departments, or pool or beach areas of a hotel, motel or guest house, but not in the preparation, sale or serving of alcoholic beverages, nor in the preparation of photographs, nor in any dancing or theatrical exhibition or performance which is not part of a theatrical production where alcoholic beverages are sold on the premises, while so employed; and minors at least 14 years of age may be employed as golf caddies and pool attendants)

Pool and billiard rooms;

The transportation of payrolls other than within the premises of the employer;.

Corn pickers, power hay balers, power field choppers, including work in or on same;

A junk or scrap metal yard, which is defined as any place where old iron, metal, paper, cordage, and other refuse may be collected and deposited or both and sold or may be treated so as to be again used in some form or discarded or where automobiles or machines are demolished for the purpose of salvaging of metal or parts;.

Any place or condition operated or maintained for immoral purposes or a disorderly house;

The fueling of aircraft, either commercial or private;

Demolition of buildings, ships, or heavy machinery;

Corrosive material;

Compactors;

Carcinogenic substances;

Circular saws, band saws, guillotine shears;

Indecent or immoral exposure;

Posing nude or without generally accepted attire;

Work in video stores where X-rated movies are rented or sold;

Pesticides;

Radioactive substances and ionizing radiation;

Toxic or hazardous substances;

Most occupations in slaughtering, meat packing, processing, or rendering, including the operations of slicing machines used in delicatessens and restaurants for cutting or slicing any food product;

The service of single-piece or multi-piece rim wheels,

The service of beverages out of any bar service area, including, but not limited to, outside bars at pools or other recreational facilities.

Employers are advised that in federal and state regulatory areas such as prohibited occupations for youth under the age of 18, the stricter version of law applies.

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If you have questions about minors under age 18 operating machines that are not included on this list or any other questions about the child labor laws or regulations consult:

Division of Wage and Hour Compliance
New Jersey Department of Labor
Box 389
Trenton, New Jersey 08625-0389
(609) 292-0101

B. COMMUNITY SERVICE PROJECTS

While community service and volunteer activities both provide a direct benefit to the community, volunteerism differs in that volunteers give freely of their time and the activity is subject to New Jersey Wage and Hour Regulations. This is not always the case in a community service project. In a community service project, services may not always be free and in some cases the participant may be required to complete the work, such as under a court order.

Community service fits four general areas: education, public safety, human need and the environment. In the case of AmeriCorp, the host agency is responsible for insurance. In other community service activities, both the sender and receiver share insurance responsibilities.

C. STATEMENT OF PRINCIPLE
(Serving Students with Disabilities)

The U. S. Departments of Labor and Education are committed to the continued development and implementation of individual education programs, in accordance with the Individuals with Disabilities Education Act (IDEA), that will facilitate the transition of students with disabilities from school to employment within their communities. This transition must take place under conditions that will not jeopardize the protections afforded by the Fair Labor Standards Act to program participants, employees, employers, or programs providing rehabilitation services to individuals with disabilities.

The Department of Labor and Education joined this *Statement of Principle* with a set of guidelines. When schools and employers engaging in vocational exploration, assessment, and training activities with students with disabilities follow these guidelines they do not violate the provisions of the FLSA while effectively preparing students for successful employment.

According to these guidelines, students with disabilities who engage in vocational exploration, assessment, and training are *not* employees of the businesses in which they receive these services. Furthermore, schools and businesses that engage in CBVE activities related to vocational exploration, assessment, and training, and that meet certain criteria do *not* violate the provisions of the FLSA. These criteria are:

1. Participants will be youth with physical and/or mental disabilities for whom competitive employment at or above the minimum wage level is not immediately obtainable and who, because of their disability, will need intensive on-going support to perform in a work setting.

2. Participation will be for vocational exploration, assessment, or training in a community-based placement worksite under the general supervision of public school personnel.

3. Community-based placements will be clearly defined components of individual education programs developed and designed for the benefit of each student. The statement of needed transition services established for the exploration, assessment, training, or cooperative vocational education components will be included in the students' Individualized Education Program (IEP).

4. Information contained in a student's IEP will not have to be made available; however, documentation as to the student's enrollment in the community-based placement program will be made available to the Departments of Labor and Education. The student and the parent or guardian of each student must be fully informed of the IEP and the community-based placement component and have indicated voluntary participation with the understanding that participation in such a component does not entitle the student-participant to wages.

5. The activities of the student at the community-based placement site do not result in an immediate advantage to the business. The Department of Labor will look at several factors.

- There has been no displacement of employees, vacant positions have not been filled, employees have not been relieved of assigned duties, and the students are not performing services that, although not ordinarily performed by employees, clearly are of benefit to the business.

- The students are under continued and director supervision by either representatives of the school or by employees of the business.

- Such placements are made according to the requirements of the student's IEP and not to meet the labor needs of the business.

- The periods of time spent by the students at any one site or in any clearly distinguishable job classification are specifically limited by the IEP.

6. While the existence of an empioyment relationship will not be determined exclusively on the basis of the number of hours, as a general rule, each component will not exceed the following limitation during any one school year:

Vocational exploration - 5 hours per job experienced

Vocational assessment - 90 hours per job experienced

Vocational training - 120 hours per job experienced

7. Students are not entitled to employment at the business at the conclusion of their IEP. However, once a student has become an employee, the student cannot be considered a traineeat that particular community-based placement unless in a clearly distinguishable occupation.

Schools and participating businesses are responsible for monitoring that all seven of these criteria are met. If any of these criteria is not met, an employment relationship will exist, and participating businesses can be held responsible for full compliance with the FLSA.

D. STUDENT HEALTH AND SAFETY GUIDE

(Information from Work-Based Learning Handbook -NJ Department of Education)

Student health and safety and related training must be provided by the school and cover the following:

1. skills and abilities needed to perform the work tasks;
2. the use of specific tools, machines and materials that apply to the student's specific career cluster;
3. the use, care and maintenance of protective clothing and personal protective devices;
4. proper material handling and storage techniques;
5. on-the-job accident reporting requirements;
6. workplace rules, regulations and procedures for responding to emergency situations.

Before a student participates in any employer-based learning experience, the workplace must be assessed by school staff to ensure that all equipment and the environment are in a safe and healthful condition. Any identified problems need to be rectified before students are placed at the workplace. The other workers at the workplace must be made aware of the importance of modeling safe and healthful behaviors. Employers should request a sign-off sheet by the school official assessing the work site.

Employer Role

(Information from US Department of Labor Advisory Letter - March 6, 1995)

In addition to the occupational safety and health awareness training described above, employers should provide additional risk-specific training to students participating in learning experiences at the employer's work site. At a minimum, the training should enable the student to demonstrate an understanding of the:

1. specific tasks or operations associated with their learning experience which pose risks;
2. proper use of tools, devices, and equipment provided to control identified risks;
3. procedures for responding to any potential hazards the youth identifies; and
4. procedures for reporting illness and injury.

For additional information and assistance with occupational safety and health, employers can contact:

OSHA Consultation Services
New Jersey Department of Labor
Division of Workplace Standards
PO Box 953
Trenton, New Jersey 08625-0953

Safety: (609) 292-0404
Health: (609) 984-0785

-or-

United States Department of Labor
Occupational Safety and Health Administration
Regional Office Telephone Numbers
(908) 750-3270 - Avenel Area Office
(609) 757-5181 - Marlton Area Office
(973) 263-1003 - Parsippany Area Office
(201) 288-1700 - Hasbrouck Heights Area Office

E. WORKERS' COMPENSATION LAW (Section 34:15-10)

34:15-10. Employment of minors; extra compensation when illegally employed; exceptions.

In the employment of minors, this article shall be presumed to apply unless the notice be given by or to the parent or guardian of the minor. If the injured employee at the time of accident or compensable occupational disease is a minor under 14 years of age employed in violation of the labor law or a minor between 14 and 18 years of age employed, permitted or suffered to work without an employment certificate or special permit if required by law or at an occupation prohibited at the minor's age by law, a compensation or death benefit shall be payable to the employee or his dependents which shall be double the amount payable under the schedules provided in R.S. 34:15-12 and R.S. 34:15-13.

The possession of such duly issued employment certificate shall be conclusive evidence for an employer that the minor has reached the age certified to therein and no extra compensation shall be payable to any minor engaged in an employment allowed by the law for the age and sex certified to in such certificate. If the certificate presented by the employee as one issued to that person shall have been really issued to another child and the real age of the employee shall be such that employment in any capacity or in the particular capacity the employee was employed by the employer was prohibited and if the employer shall show to the satisfaction of the Division of Workers' Compensation that the employer accepted the certificate in good faith as having been issued to the employee and could not have, despite reasonable diligence, discovered the fraud, in such event no extra compensation shall be paid to the employee illegally employed.

The employer alone and not the insurance carrier shall be liable for the extra compensation or death benefit which is over and above the amount of the compensation or death benefit provided under R.S. 34:15-12 or R.S. 34:15-13. Any provision in an insurance policy undertaking to relieve an employer from liability for the extra compensation or extra death benefit shall be void.

Nothing in this chapter contained shall deprive an infant under the age of 18 years of the right or rights now existing to recover damages in a common or other appropriate action or proceeding for injuries received by reason of negligence of his or her master.

Nothing in this section regarding the payment of a compensation or death benefit in double the amount payable under the schedules provided in R.S. 34:15-12 and R.S. 34:15-13 shall apply to: members of a junior firemen's auxiliary established pursuant to P.L. 1968, c. 309 (C. 40:47-30.6 et seq.); employees, of the age of 18 years or under, employed in summer camps operated by the Boy Scouts of America, the Girl Scouts of America, the Knights of Columbus, the Young Men's Christian Association, the Young Women's Christian Association, the Young Men's Hebrew Association, or any domestic corporation organized solely for religious or charitable purposes; student-learners employed in a cooperative vocational education program approved by the State Board of Education; or persons, 18 years of age or younger, participating, under the supervision of the Palisades Interstate Park Commission, in volunteer programs in that part of the Palisades Interstate Park located in New Jersey.

F. NEW JERSEY MODEL WORK-BASED LEARNING EXPERIENCE AGREEMENT

Student#_____Student's Career Major_____
Name_____Address_____
Home Phone_____

Age_____Grade Level_____Soc. Sec#_____Date of birth_____
GPA_____Credits for semester 1 or 2_____School year_____
Link to other documents: IEP_____Transition Plan_____Other_____

Employer:_____Telephone:_____Fax:_____
Employer Registration Number:_____
Employer Address:_____
Workplace Mentor's Name:_____Position:_____
Student Job Title:_____Starting Date:_____Rate of pay:_____
Approx. Hours Each Week:_____Number of Weeks to Work:_____Volunteerism:_____

As a STUDENT EMPLOYEE, I agree to do the following:

1. I will maintain regular attendance both in school and on the job, maintain a minimum___GPA, complete and file monthly progress reports and notify the school and employer if unable to report to work. I will not work on any school day I fail to attend school, without the signed consent of the school-site mentor.
2. I will demonstrate honesty, punctuality, courtesy, a cooperative attitude, proper health and grooming habits, appropriate dress and willingness to learn.
3. I will talk to the school-site mentor and workplace mentor about any difficulties arising at the work site.
4. I will obey the rules and regulations of the workplace and comply with the employer's business practices and hiring procedures (may involve drug testing).
5. I will furnish the school-site mentor with all necessary information, complete all reports and keep a daily record of time and training activities. I understand that I will receive credit only if assignments, time sheets and evaluations are satisfactorily completed.
6. I will meet the minimum qualifications of industry committee prerequisites for hiring/meeting minimum niche standards.

STUDENT EMPLOYEE SIGNATURE:_____Date_____

As a PARENT/GUARDIAN, I agree to do the following:

1. I will encourage the student to effectively carry out job duties and responsibilities.
2. I will support the student while in the structured employer-based learning program.
3. I will be responsible for the safety, insurance and conduct of the student employee while he/she is traveling to and from the school, the training station and home. I will see that the student is covered by insurance while working and in transit.
4. I will cooperate by keeping him/her on schedule and help him/her to develop enthusiasm and good work habits.

I hereby give my consent for_____to participate in the structured Employer-based Learning activities during the current school year.

PARENT/GUARDIAN SIGNATURE:_____Date_____

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As a SCHOOL ADMINISTRATOR, I agree to do the following:

1. I will provide a school-to-work coordinator and a school-site mentor to promote the student's successful completion of the activities and to ensure close coordination between academic instruction, employer-based learning and related training.
2. I will provide assistance to employers to plan work processes and hours of training necessary for completion of a specific employer-based learning experience, including all safety and health practices and procedures.
3. I will provide supportive curriculum or assist in fulfilling related training.
4. I will assist the employer in solving any problems relating to the student's structured employer-based learning experience.
5. I will grant academic credit toward a high school diploma upon satisfactory performance of the employer-based learning experience.
6. I will ensure that the student's progress is monitored, recorded and reported to the appropriate committees.

SIGNATURE OF SCHOOL PRINCIPAL/SUPERINTENDENT:_____Date_____

As a SCHOOL-SITE MENTOR, I agree to do the following:

1. I will conduct regular workplace visitations to evaluate student progress.
2. I will communicate regularly with the workplace mentor regarding the student's progress.
3. I will recommend the granting of credit after the successful completion of employer-based learning.
4. I will ensure that specific academic, workforce skills and occupationally specific skills are specified in the training agreement and that progress is evaluated and recorded on the student's permanent record.

SCHOOL-SITE MENTOR'S SIGNATURE:_____Date_____

As an EMPLOYER, I agree to do the following:

1. I will adhere to all federal and state regulations regarding employment including the Fair Labor Standards Act, insurance, safety, child labor laws, minimum wage and nondiscrimination and other applicable regulations.
2. I will provide the employer-based learning site for the student, **provide direct supervision at all times** and assist the student in achieving the necessary occupational and academic skills and knowledge.
3. I will notify the school representative if student difficulties arise at the work site, including attendance problems.
4. I will assist in the evaluation of the student employee and provide time for the workplace mentor to meet with the school-site mentor.
5. I will ensure that the combination of the student's school hours and work hours do not exceed 40 hours in one week.
6. I will certify that an employee is not being displaced by hiring this student in a structured employer-based learning experience.
7. I will provide adequate equipment for the student to gain experience consistent with the occupation.
8. I will provide a safe and healthful work environment.
9. I will provide worker's compensation insurance.
10. I will comply with all state and federal civil rights laws covered in #1 above.

EMPLOYER'S SIGNATURE:_____Date_____

As a WORKPLACE MENTOR, I agree to do the following:

1. I will ensure the occupational health and safety of the student in the workplace.
2. I will model appropriate workplace skills.
3. I will provide instruction in technical skills.
4. I will provide reinforcement of related academic skills and safety instruction.
5. I will participate in the evaluation of the student's performance.

WORKPLACE MENTOR'S SIGNATURE:_____Date_____

Specific tasks to be completed by the student and evaluation criteria must be attached to this signed form.

Note: When completing a employer-based learning contract, keep in mind the SCANS skills, workplace skills, occupationally specific skills and support services necessary for the student.

ACORD. CERTIFICATE OF INSURANCE

DATE (MM/DD/YY) 04/08/96

PRODUCER

INSURANCE BROKER NAME
INSURANCE BROKER STREET/PO BOX
CITY, STATE ZIP CODE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY A: INSURANCE COMPANY A

INSURED

SCHOOL NAME
SCHOOL CONTACT PERSON
SCHOOL STREET/PO BOX
CITY ST ZIP CODE

COMPANY B: INSURANCE COMPANY B

COMPANY C:

COMPANY D:

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY	999999999999999	01/01/96	1/01/97	GENERAL AGGREGATE	$2,000,000
	[X] COMMERCIAL GENERAL LIABILITY				PRODUCTS - COMP/OP AGG	$2,000,000
	[ ] CLAIMS MADE [X] OCCUR				PERSONAL & ADV INJURY	$1,000,000
	OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE	$1,000,000
					FIRE DAMAGE (Any one fire)	$1,000,000
					MED EXP (Any one person)	$ 10,000
A	AUTOMOBILE LIABILITY	888888888888888	1/01/96	1/01/97	COMBINED SINGLE LIMIT	1,000,000 $2,000,000
	[X] ANY AUTO					
	ALL OWNED AUTOS				BODILY INJURY (Per person)	$
	SCHEDULED AUTOS					
	[X] HIRED AUTOS				BODILY INJURY (Per accident)	$
	[X] NON-OWNED AUTOS					
					PROPERTY DAMAGE	$
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	$
	ANY AUTO				OTHER THAN AUTO ONLY:	
					EACH ACCIDENT	$
					AGGREGATE	$
B	EXCESS LIABILITY	777777777777777	1/01/96	1/01/97	EACH OCCURRENCE	$5,000,000
	[X] UMBRELLA FORM				AGGREGATE	$5,000,000
	OTHER THAN UMBRELLA FORM					$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS	
	THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: [ ] INCL [ ] EXCL				EACH ACCIDENT	$
					DISEASE - POLICY LIMIT	$
					DISEASE - EACH EMPLOYEE	$
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

USE OF CERTIFICATE HOLDER PREMISES THROUGHOUT 1996 TO 1997 SCHOOL YEAR REGARDING SCHOOL TO CAREERS PROGRAM

CERTIFICATE HOLDER

BUSINESS NAME
BUSINESS CONTACT PERSON
BUSINESS STREET/PO ADDRESS
BUSINESS CITY STATE & ZIP CODE

BEST COPY AVAILABLE

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Signature of Ins. Agent SJ A

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If you have any questions on the information in the Employer Guide or would like additional copies of the document, please contact the office of:

Brian Peters, Director
Division of Business Services
New Jersey Department of Labor
Box 933
Trenton, New Jersey 08625

(609) 984-9414 (Voice)
(609) 984-3562 (Fax)

The School-to-Careers Opportunities Initiative is being implemented in partnership with the

New Jersey Department of Labor
New Jersey Department of Education
New Jersey Department of Commerce Economic Development
New Jersey Commission on Higher Education
State Employment and Training Commission

Funded in part by the School-to-Work Opportunities Act of 1994 (P. L.103-239)

New Jersey School to Careers

Uniting High Academic Standards and Workplace Excellence

If you need this document in braille or large print,
call the Office of Marketing and Communications at (609) 292-3221.
TTY users can contact this office through New Jersey Relay: 1-800-852-7899.

NEW JERSEY DEPARTMENT OF
LABOR

NJES-11 (9/98)